

Fed. R. Civ. P. Rule § 20 (a) states “persons may join in one action if: (1) they assert any right to relief jointly, severally, or in the alternative with respect to or arising out of the same transaction, occurrence, or series of transactions or occurrences;” and “(2) any question of law or fact common to all plaintiffs will arise in the action.” Fed. R. Civ. P. 20(a). This case raises issues about the breach of fiduciary duty claims of Plaintiff’s union National Officers against Plaintiff. Plaintiff asserts a right to relief jointly and severally and all questions of law and fact as to the Plaintiff will arise in the action.

Fed. R. Civ. P. § 15(a) states a party may amend his pleading once as a matter of course within twenty-one days after serving it or, if the pleading is one to which a responsive pleading is required, twenty-one days after service of a responsive pleading or twenty-one days after service of a Rule 12(b), whichever is earlier. Otherwise, a party may amend its pleading only with the opposing party's written consent or the court's leave. Rule 15 provides that the court should freely give leave to amend when justice so requires. Plaintiff requests the court grant leave to amend and grant this motion of joinder to include additional parties. Attached to this Motion is a Proposed Second Amended Complaint marked as Exhibit 1. Attached to this Motion is a Proposed Second Amended Certificate of Interested Parties marked as Exhibit 2.

In support, Plaintiff submits Brief in Support of this Motion for Joinder and Motion for Leave to Amend Complaint, which is incorporated herein and filed contemporaneously with this Motion. Attached to the Brief in Support of Motion for Joinder and Motion for Leave to Amend the Complaint and thereto marked as “Exhibit A” is the Affidavit of Eugenio Vargas in support of this Motion.

This Motion is based upon all records and proceedings submitted in conjunction with this Motion. Hereto attached and marked as “Exhibit 1” is a proposed Second Amended Complaint in

which Plaintiff respectfully requests the Court to grant Plaintiff's Motion for Leave to File a Second Amended Complaint.

April 14, 2023

Respectfully submitted,
K.D. PHILLIPS LAW FIRM, PLLC

By: /s/ Kerri Phillips
Kerri Phillips
Texas Bar No. 24065906
Phone: (972) 327-5800
Email: kerri@KDphillipslaw.com

6010 W. Spring Creek Parkway
Plano, Texas 75024
Fax: (940) 400-0089
For Service of Filings:
notice@KDphillipslaw.com

ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF CONFERENCE

I, Kerri Phillips, attorney for Plaintiff Robert "Bob" Ross, hereby certify that on the 7th day of April 2023, I emailed for purposes of conference with Sanford Denison, counsel for Defendant APFA, and Michael Rake, to inform each of them of the filing of this Motion. Mr. Denison and Mr. Rake. Opposing counsel has advised they are opposed to the filing of this motion.

CERTIFICATE OF SERVICE

I certify that true and correct copy of this document was sent to all counsel of record, hereunder listed via ECF filing on this the 14th day of April 2023.

William Osborne, Sanford Denison, Michael Rake

/s/ Kerri Phillips
Kerri Phillips